

MICHELLE D. ALARIE, ESQ.
Nevada Bar No. 11894
ARMSTRONG TEASDALE LLP
3770 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Telephone: (702) 678-5070
Facsimile: (702) 878-9995
Email: malarie@armstrongteasdale.com

*Counsel for Defendants United Parcel Service,
Inc., United Parcel Service Flexible Benefit Plan,
and Aetna Life Insurance Company*

J. TIMOTHY MCDONALD, ESQ.
(admitted *pro hac vice*)
Georgia Bar No.: 489420
THOMPSON HINE LLP
Two Alliance Center
3560 Lenox Road, Suite 1600
Atlanta, Georgia 30326
Telephone: (404) 407-3623
Facsimile: (404) 541-2905
Email: tim.mcdonald@thompsonhine.com

*Counsel for Defendants United Parcel Service, Inc.
and United Parcel Service Flexible Benefit Plan*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WARREN SMITH

Plaintiff,

v.

UNITED PARCEL SERVICE, INC., UNITED
PARCEL SERVICE FLEXIBLE BENEFIT
PLAN, and AETNA LIFE INSURANCE
COMPANY,

Defendants.

Case No. 3:17-cv-00137-HDM-WGC

**ORDER GRANTING
UNOPPOSED MOTION TO EXTEND
ALL REMAINING BRIEFING
DEADLINES IN THE SCHEDULING
ORDER (ECF NO. 25)**

[FIRST REQUEST]

Defendants United Parcel Service, Inc. (“UPS”) and United Parcel Service Flexible
Benefit Plan (the “Plan”), by and through their counsel, Armstrong Teasdale LLP and Thompson
Hine LLP (admitted *pro hac vice*), and Aetna Life Insurance Company (“Aetna” and collectively

1 with UPS and Plan, the “Defendants”), by and through its counsel, Armstrong Teasdale LLP,
2 pursuant to FRCP 6 and Local Rule LR IA 6-1, hereby respectfully request that the remaining
3 briefing deadlines set forth in the Discovery Plan and Scheduling Order (“Scheduling Order”)
4 entered on July 13, 2017 (ECF No. 25) be continued. Plaintiff Warren Smith (“Plaintiff”) filed
5 his Motion for Summary Judgment on November 20, 2017. (ECF No. 29). Defendants’
6 opposition to Plaintiff’s FRCP 56 motion and any cross-motion under FRCP 56, which are
7 currently due on December 18, 2017, would be due on February 16, 2018; Plaintiff’s opposition
8 to Defendants’ cross-motion under FRCP and reply in support of its FRCP 56 motion, which are
9 currently due on January 17, 2018, would be due on March 30, 2018; and Defendants’ reply in
10 support of their cross-motion under FRCP 56, which is currently due on February 19, 2018,
11 would be due on April 27, 2018. This is the first request to extend these particular deadlines.

12 On December 11, 2017, and December 13, 2017, undersigned counsel contacted Michael
13 Flanigan, Esq., counsel for Plaintiff, regarding a proposed extension of the briefing deadlines.
14 Mr. Flanigan is in agreement with the discovery extensions proposed herein.

15 Good cause for this extension exists. To accommodate several unanticipated demands of
16 filing a response brief and a cross-motion for summary judgment on behalf of three defendants,
17 counsel for Defendants desired a short extension of their December 18, 2017, deadline.
18 Plaintiff’s counsel, however, was unable to accommodate a short continuance because of the
19 upcoming holiday and because he is scheduled to begin a trial on January 2, 2018 that is
20 anticipated to last through February 2018 (30 trial days). As such, counsel for all parties agreed
21 that a continuance of the briefing schedule to accommodate Defendants’ need for additional time
22 and Plaintiff’s counsel’s trial setting was necessary under the circumstances. This case was
23 initially filed on March 3, 2017, thus this extension request will not result in an unreasonable
24 delay in having this matter decided. This extension request is made in good faith and is not
25 intended to unduly delay the proceedings.

26 For the foregoing reasons, Defendants respectfully request that this Court continue all
27 remaining deadlines in the Scheduling Order as follows:
28

- Defendants' Opposition to Plaintiff's FRCP 56 motion be filed no later than **February 16, 2018**, and Defendants' FRCP 56 cross-motion be filed no later than **February 16, 2018**.
- Plaintiff's Reply in support of its FRCP 56 motion be filed no later than **March 30, 2018**, and Plaintiff's Opposition to Defendants' FRCP 56 cross-motion be filed no later than **March 30, 2018**.
- Defendants' Reply in support of its FRCP 56 cross-motion be filed no later than **April 27, 2018**.

Dated this 14th day of December, 2017.

ARMSTRONG TEASDALE LLP

By: /s/ Michelle D. Alarie
MICHELLE D. ALARIE, ESQ.
Nevada Bar No. 11894
3770 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

Counsel for Defendants United Parcel Service, Inc., United Parcel Service Flexible Benefit Plan, and Aetna Life Insurance Company

and

J. TIMOTHY MCDONALD, ESQ.
Georgia Bar No.: 489420
THOMPSON HINE LLP
3560 Lenox Road, Suite 1600
Atlanta, GA 30326

Counsel for Defendants United Parcel Service, Inc. and United Parcel Service Flexible Benefit Plan

ORDER

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE
DATED: December 14, 2017

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2017, the foregoing **UNOPPOSED MOTION TO EXTEND ALL REMAINING BRIEFING DEADLINES IN THE SCHEDULING ORDER (ECF NO. 25)** was served on the party(ies) Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures ☒ via electronic service and/or ☐ by mailing a copy thereof, first class mail, postage prepaid, to:

J. Timothy McDonald tim.mcdonald@thompsonhine.com,
tamika.grant@thompsonhine.com

Michael W Flanigan mflanigan@farnorthlaw.com, jrasor@farnorthlaw.com

Stephen S Kent skent@skentlaw.com, jellis@skentlaw.com, jrusso@skentlaw.com,
mporter@skentlaw.com

/s/ Jessica Myrold
An employee of Armstrong Teasdale LLP